

**Amendments to the Drawings:**

The attached five (5) sheets of drawings include four (4) replacement sheets depicting FIGS. 1-6d and one (1) new sheet depicting FIG. 6e. Changes have been made to all of FIGS. 1-5 and 6a, 6b, 6c, and 6d to improve the quality of the drawings and to add numbers indicating the number of each drawing sheet. New FIG. 6e likewise indicates the number of its drawing sheet. These sheets replace the original sheets depicting FIGS. 1-5. and 6a, 6b, 6c, and 6d, and add FIG. 6e with the new sheet of drawings.

Handwritten numerals in FIGS. 1-6d have been replaced with printed numerals. In amended FIG. 1 the style of numeral 11, which the Examiner thought was the letter M, has been changed to give numeral 11 the appearance of an American 11 instead of the German 11.

FIG. 3 has been amended to have the reference numeral 13 denote the user end with an arrow and to remove the underlining from reference numeral 13. The arrow 13 points to the area where the grip area is. The grip area is intended to be gripped by the user, and thus is referred to in the specification as the user end. This user end is the end that the user has to grip whereas the other side of the tape is intended to be fixed to the diaper.

FIG. 3 has also been amended to change "VI" to "IV" which indicates a detail area, embodiments of which are shown in FIGS. 6a through 6e. (In addition to showing detail IV of Figure 1 and a first wavy-head within detail area IV, Figure 6d shows a second wavy-head that neighbors detail area IV that includes the first wavy head.) In FIG. 6c, the lines from 11 have been made dashed. In FIG. 6d, the line from the uppermost 11 has been made dashed, the text shown in the area of the separate grip area has been removed, and the reference numeral "30" has been changed to --50-- to conform to the specification. FIG. 6e on the new sheet illustrates the features of claim 16 of two separate film-like grip areas 22a, 31a having different macroscopically structured surfaces formed by perforation spots 23a in grip area 22a and by ridges 33a in grip area 31a arranged on a grip edge 32a of the protruding section 14. Figure 6e also shows tape end 16a and valleys 34a between ridges 33a.

FIG. 4 has been amended to designate the outside of the diaper with the reference numeral --17-- instead of "13."

Attachments:

Four (4) Replacement sheets of drawings and one (1) new sheet of drawings

### REMARKS/ARGUMENTS

The claims are 1, 3-16 and 24-26. Claims 1 and 26 have been amended to better define the invention and claim 3 has been amended in view of the amendment to claim 1. The specification has been amended to correct the informalities noted by the Examiner with respect to the numbering of paragraphs, to provide headings, to improve syntax and to conform better to the drawings. The drawings have also been amended and a new drawing has been added as indicated in the Amendments to the Drawings section. Support may be found, *inter alia*, in paragraphs [11] and [48] and the original claims of the disclosure as filed. Reconsideration is expressly requested.

Apparently, as is the Examiner's practice, the Amendments to the Specification previously provided with Applicants' May 18, 2009, June 16, 2009 and January 4, 2010 Amendments were not entered by the Examiner, except for the Abstract presented on May 18, 2009, and the drawings previously submitted were not approved or entered because certain portions of these amendments and drawings were objected to by the Examiner even though no apparent objection was made to other portions of these amendments or drawings. Therefore, Applicants have amended the specification

based on the understanding that the previous amendments had not been entered, and have added four (4) replacement sheets of drawings and one (1) new sheet of drawings with a detailed explanation of the changes in the "Amendments to the Drawings" section herein over the drawings as originally filed with the application. With respect to the Examiner's objection to the drawings under 37 C.F.R. 1.83(a) as failing to show the features of claim 16, it is respectfully submitted that new FIG. 6e shows these features. Support for new FIG. 6e may be found in original claim 16 which, as originally filed, referred to a fastening tape according to any one of the preceding claims, characterized by two separate film-like grip areas having different macroscopically structured surfaces. The specification has been amended to refer to the new FIG. 6e and the macroscopically structured surfaces shown therein. Accordingly, it is respectfully submitted that the original specification and claims fully support new FIG. 6e and that no new matter has been entered.

In addition, the specification has been amended to specify that FIG. 2 shows "portions" of the diaper fastening tape strips of Figure 1 in response to the Examiner's objection to the drawings that FIG. 2 does not show "the diaper fastening tape

strips from Figure 1" as described with the amendments Applicants previously made, which were not entered by the Examiner. With respect to the Examiner's objection that Figure 1 includes two different structures denoted 11, i.e. the closing areas as well as the section line therethrough, it is respectfully submitted that the Examiner's position is unfounded as Figure 1 as amended denotes the section line with Roman Numerals II-II and the closing area with the reference numeral 11. In Figure 3, the underlining with respect to numeral 13 has been removed and reference numeral 13 now denotes the user end with an arrow, which points to the area where the gripper area is. Reference numeral 13 in Figure 4 has been changed to 17 to denote the outside of the diaper and the embodiment of Figure 6d has been denoted with the reference numeral 50 instead of 30 to correspond with the specification. The specification has also been amended to indicate that Figure 6d shows additional portions of Figure 3 in addition to the area IV.

It is respectfully submitted that the foregoing amendments overcome the Examiner's objection to the drawings, and Applicants respectfully request that the objection to the drawings be withdrawn.

The disclosure was objected to because of certain informalities set forth on page 4 of the Office Action. In response, Applicants have amended the specification, *inter alia*, to correct these informalities. Thus, headings have been provided as requested by the Examiner, the subtitle on page 13 before paragraph [35] has been corrected to refer to the -- Detailed Description of the Preferred Embodiments -- rather than the "Detailed Description of the Drawings," the area "VI" in Figure 3 has been changed to reference character -- IV -- and the specification has been amended to make clear what is intended by this area in relation to the drawing figures.

With respect to the Examiner's objection under 35 U.S.C. 132(a) that Applicants' January 4, 2010 Amendment introduced new matter with respect to the amendments to paragraphs [19], [34] and [48] and new paragraph [46.1], Applicants have presented new amendments to the specification. As stated previously, the support for the combination shown in Figure 6e is set forth in the original claim 16, which depended according to any one of the preceding claims. Applicants have also amended claims 1 and 26 to refer to the closing area comprising first structural components of a first material and the protruding section having a separate grip area having a surface with a macroscopic

structure comprising second structural components materially different from the first structural components, the grip area being formed structurally from a different material than the closing area formed by the first material of the first structural components. As recited in paragraph [11] of the disclosure as originally filed, in comparison with a continuous hook material all the way to the edge of the fastening tape, the grip area is designed separately from the neighboring structural groups of the closing area and/or has other structural components materially. Paragraph [48] of the disclosure as originally filed states that the grip area is formed structurally from a different material than the neighboring functional structural component, namely the closing area which is still formed by the hook material having the hooks.

Thus, it is respectfully submitted that the amendments to the specification are fully supported by the disclosure as originally filed, and Applicants respectfully request that the objection to the specification be withdrawn and the objection under 35 U.S.C. 132(a) be withdrawn as well.

Claims 1, 3-16 and 24-26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite and were rejected under 35

U.S.C. §112, first paragraph, as failing to comply with the written description requirement because of the recitation of the "structurally independent" component. In response, Applicants have amended claims 1, 3 and 26 to improve their form or to better define the invention so that the term "structurally independent" no longer appears in those claims. Claims 1 and 26 as amended now refer to the closing area comprising first structural components of a first material and a protruding section having a separate grip area having a surface with a macroscopic structure comprising second structural components materially different from the first structural components, with the grip area being formed structurally from a different material than the closing area formed by the first material of the first structural components, which it is respectfully submitted is discussed, *inter alia*, in paragraph [11] and paragraph [48] of Applicants' disclosure as originally filed.

It is respectfully submitted that all currently pending claims are fully supported by the disclosure and comply with 35 U.S.C. §112, and Applicants respectfully request that the rejection on this basis withdrawn.

Claims 1, 3, 5-15 and 24-26 were rejected under 35 U.S.C. §102(b) as being anticipated by *Long et al. U.S. Patent No.*



6,210,389. Claims 4 and 16 were rejected in the alternative under 35 U.S.C. §102(b) as being anticipated by *Long et al.* or under 35 U.S.C. §103(a) as being unpatentable over *Long et al.*.

This rejection is respectfully traversed.

As set forth in claims 1 and 26 as amended, Applicants' invention provides a fastening tape for a hygiene item and a hygiene item containing same wherein the fastening tape has a protruding section with a separate grip area having a surface with a macroscopic structure comprising second structural components materially different from first structural components of the closing area. The grip area is formed structurally from a different material than the closing area formed by the first material of the first structural components.

It is respectfully submitted that *Long et al.* fails to disclose or suggest a fastening tape for a hygiene item containing same having these features. Rather, *Long et al.* teaches a continuous hook material all the way to the edge of the fastening tape and forming a lift region by reworking the hook material by deactivating or otherwise rendering same inoperative in that region by various techniques which is complex and

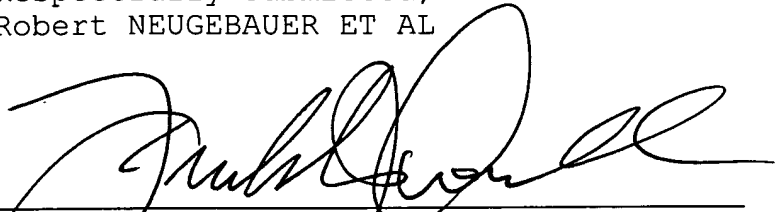
expensive as discussed in paragraph [14] of Applicants' disclosure. In contrast, Applicants' grip area is formed structurally from a different material than the closing area formed by the first material of the first structural components and is not simply a reworking of the material in that closing area by deactivating or otherwise rendering same inoperative as taught by *Long et al.*

Accordingly, it is respectfully submitted that claims 1 and 26 as amended, together with claims 3-16 and 24 and claim 25 which depend directly or indirectly on claims 1 and 26 amended, respectively, are patentable over *Long et al.*

In summary, claims 1, 3 and 26 have been amended, along with the specification. In addition, four (4) replacement sheets of drawings have been submitted and one (1) new sheet of drawings has been added. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Applicants also submit herewith a Supplemental Information Disclosure Statement.

Respectfully submitted,  
Robert NEUGEBAUER ET AL



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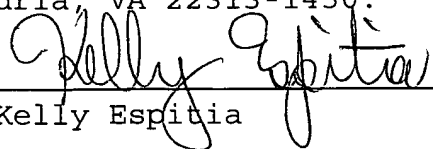
Enclosures:

Appendix with four (4) replacement sheets of drawings and  
one (1) new sheet of drawings  
Supplemental Information Disclosure Statement  
Form PTO-1449 with one (1) reference

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Kelly Espitia

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## APPENDIX